



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA - REGULAR MEETING

Date: December 15, 2004

Time: Closed Session 5:00 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Conference with legal counsel; anticipated litigation; significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed (HR)
- b) Actual Litigation: Government Code §54956.9(a); one case; City of Lodi v. City of Stockton, et al., San Joaquin County Superior Court, Stockton Branch, Case No. CV024720
- c) Actual Litigation: Government Code §54956.9(a); one case; City of Stockton v. City of Lodi, San Joaquin County Superior Court, Stockton Branch, Case No. CV024859
- d) Actual Litigation: Government Code §54956.9(a); one case; Stockton Family Farmers Coalition v. City of Lodi, et al., San Joaquin County Superior Court, Stockton Branch, Case No. CV024860
- e) Prospective lease of City property at 2 East Elm Street in association with the Downtown Park and Ride Structure; the negotiating parties are Edward Barkett and the City of Lodi; price and terms of the lease are under negotiation; Government Code §54956.8
- f) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- g) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- h) Conference with legal counsel – initiation of litigation: Government Code §54956.9(c); two cases
- i) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- j) Actual litigation: Government Code §54956.9(a); one case; City of Lodi, a California Municipal Corporation, and Lodi Financing Corporation, a California nonprofit corporation v. Lehman Brothers, Inc. and US Bank National Association, United States District Court, Eastern District of California, Case No. CIV. S-04-0606 MCE-KJM
- k) Actual litigation: Government Code §54956.9(a); one case; Lehman Brothers Inc., v. City of Lodi and Lodi Financing Corporation, United States District Court, Eastern District of California Case No. CIV-S-04-0850 FCD/JFM
- l) Actual litigation: Government Code §54956.9(a); one case; Fireman's Fund Insurance Company v. City of Lodi, et al., United States District Court, Eastern District of California Case No. CIV-S-98-1489 FCD JFM

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Invocation – Pastor Ken Owens, Community Christian Concerns

C. Pledge of Allegiance

D. Presentations

D-1 Awards

- a) Presentation of Mayor's Community Service Award

D-2 Proclamations – None

D-3 Presentations

- a) Presentation to Bob Johnson for his service on the Parks and Recreation Commission (PR)
- b) Skate Park repair donation from Mr. Alex G. Spanos

E. Consent Calendar (Reading; comments by the public; Council action)

E-1 Receive Register of Claims in the amount of \$2,750,807.52 (FIN)

E-2 Approve minutes (CLK)

- a) November 23, 2004 (Shirtsleeve Session)
- b) November 23, 2004 (Special Meeting)
- c) November 30, 2004 (Shirtsleeve Session)
- d) November 30, 2004 (Special Meeting)
- e) December 1, 2004 (Regular Meeting)
- f) December 2, 2004 (Special Meeting)
- g) December 7, 2004 (Shirtsleeve Session)
- h) December 7, 2004 (Special Meeting)
- i) December 9, 2004 (Special Meeting)

E-3 Report of the sale of scrap metal (EUD)

E-4 Authorize the sale of scrap wire and metal during 2005 (EUD)

E-5 Approve revised specifications and authorize advertisement for bids for Maintenance of Landscape Areas for 2005 (PW)

Res. E-6 Adopt resolution awarding the purchase of polemount and padmount transformers (\$52,519.51) (EUD)

Res. E-7 Adopt resolution approving final map and Improvement Agreement for Lalazar Estates, Tract No. 3435, and appropriate funds for applicable reimbursements (\$500) (PW)

Res. E-8 Adopt resolution authorizing the City Manager to allocate a Public Benefits Program grant in the amount of \$20,014 to the LOEL Foundation for a low-income senior housing demand-side management project (EUD)

Res. E-9 Adopt resolution authorizing the City Manager to allocate Public Benefits Program funds to create the Lodi Residential New Construction Pilot Project (\$80,000) (EUD)

Res. E-10 Adopt resolution authorizing the City Manager to allocate a Public Benefits Program grant in the amount of \$25,000 to Lowe's Companies, Inc. for a demand-side management project (EUD)

Res. E-11 Adopt resolution authorizing the City Manager to allocate Public Benefits Program funds in the amount of \$24,986 to fund the Lodi LivingWise Education Project; and authorizing the City Manager to execute a contract with Resource Action Programs, of Modesto, California, to provide products and materials to implement this program (EUD)

Res. E-12 Adopt resolution authorizing the City Manager to execute an electric utility rate contract between the City of Lodi and the Robert Mondavi Corporation for a new electric forklift charging station pilot project (EUD)

F. Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Public Hearings

- Res. G-1 Public hearing to consider resolution adopting Engineer's Report, confirming the assessments, overruling protests and declaring assessment ballot results and annexing territory to a maintenance assessment district and forming Zone 7 (Woodlake Meadow Zone 7 Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1) (PW)
- Res. G-2 Public hearing to consider the Planning Commission's recommendation for the 2004 Growth Management Allocations (CD)

H. Communications

- H-1 Claims filed against the City of Lodi – None
- H-2 Reports: Boards/Commissions/Task Forces/Committees – None
- H-3 Appointments – None
- H-4 Miscellaneous
- a) Monthly Protocol Account Report (CLK)

I. Regular Calendar

- I-1 Discussion and appropriate action regarding Resolution No. 93-35 relating to the rules of conduct of Council meetings, proceedings, and business (CA)
- Res. I-2 Adopt resolution approving the naming of the Youth Area at Lodi Lake in honor of former Parks and Recreation Director Ron Williamson (PR)
- Res. I-3 Adopt resolution approving application for the California Office of Emergency Services Hazard Mitigation Grant (FD)
- I-4 Approve Prospective lease of City property with Lodi City Center 12, LLC (Atlas Properties) located within the Downtown Park and Ride structure at 2 East Elm Street (CD)
- I-5 Review and prioritize City projects for Federal appropriation requests and appoint delegate to attend the San Joaquin Council of Governments One Voice (CM)
- I-6 Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and other various cases being handled by outside counsel (\$128,921.52); approve Attorney's fees incurred by US Bank, trustee for the Program Receipts Repurchase Agreement in the Lehman litigation (\$11,337.50); and approve Special Allocation covering general litigation matter expenses (\$80,856.46) (CA)
- Ord. I-7 Introduce ordinance amending Chapter 12.12 of the Lodi Municipal Code by repealing and (Introduce) re-enacting Section 12.12.420 relating to Skate Park regulations (CA)

J. Ordinances – None

K. Adjournment to the following agency meetings:

- K-1 Meeting of the Lodi Public Improvement Corporation
- K-2 Meeting of the Industrial Development Authority
- K-3 Meeting of the Lodi Financing Corporation
- K-4 Meeting of the City of Lodi Redevelopment Agency

L. Comments by the City Council Members on non-agenda items

M. Comments by the City Manager on non-agenda items

N. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Susan J. Blackston
City Clerk



LODI CITY COUNCIL
Carnegie Forum
305 West Pine Street, Lodi

AGENDA - Lodi Public Improvement Corp.

Date: December 15, 2004

Time: 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

***MEETING OF THE
Public Improvement Corporation (PIC)
of the City of Lodi***

- A. Call to order – President
- B. Roll call to be recorded by Secretary
- Res. C. Resolution electing new Officers
- D. Other business
- E. Comments by the public on non-agenda items
- F. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Susan J. Blackston
Secretary
Lodi Public Improvement Corporation



LODI CITY COUNCIL
Carnegie Forum
305 West Pine Street, Lodi

AGENDA - Industrial Development Authority

Date: December 15, 2004

Time: 7:00 p.m.

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City Clerk

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Industrial Development Authority (IDA)
of the City of Lodi

- A. Call to order – Chairperson
- B. Roll call to be recorded by Secretary
- Res. C. Resolution electing new Officers
- D. Other business
- E. Comments by the public on non-agenda items
- F. Adjournment

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Susan J. Blackston
Secretary
Industrial Development Authority



LODI CITY COUNCIL
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AGENDA - Lodi Financing Corporation
Date: December 15, 2004
Time: 7:00 p.m.

For information regarding this Agenda please contact:

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MEETING OF THE
Lodi Financing Corporation

- A. Call to order – President
- B. Roll call to be recorded by Secretary
- Res. C. Resolution electing new Officers
- D. Other business
- E. Comments by public on non-agenda items
- F. Adjournment

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Susan J. Blackston
Secretary
Lodi Financing Corporation



LODI CITY COUNCIL
Carnegie Forum
305 West Pine Street, Lodi

AGENDA – Redevelopment Agency
Date: December 15, 2004
Time: 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston
City Clerk
Telephone: (209) 333-6702

MEETING OF THE
Redevelopment Agency
Of the City of Lodi

- A. Call to order – Chairperson
- B. Roll call to be recorded by Secretary
- Res. C. Resolution electing new Officers
- D. Other business
- E. Comments by the public on non-agenda items
- F. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Susan J. Blackston
Secretary
Redevelopment Agency of the City of Lodi